

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CENTENNIAL INSURANCE**  
**COMPANY,**  
**Petitioner,**  
  
**v.**  
  
**EAST ATLANTIC**  
**CONSTRUCTION, INC., AND**  
**STERLING EQUIPMENT, INC.,**  
**Respondents.**

**Civil Action No. 04-11272 NG**

**PLAINTIFF'S MOTION TO VACATE ORDER OF DISMISSAL (ASSENTED TO)**

NOW COMES the Plaintiff, Centennial Insurance Company (hereinafter referred to as “Centennial”), in the above entitled action, by and through its undersigned attorneys, Holbrook & Murphy, and moves that this Honorable Court set aside the Order of Dismissal, entered on January 27, 2005.

As reason therefor, Plaintiff states that this case had been filed at the court's request in conjunction with the pending case of *Sterling Equipment, Inc. v. East Atlantic Construction, Inc.*, Civil Action No. 02-11793-NG. When the parties appeared before this Honorable Court on September 28, 2004, the court advised that the cases should be consolidated. While admittedly a Motion to Consolidate had not been filed, such a motion is being submitted with this Motion to Vacate Order of Dismissal. The parties have been engaged in discussions regarding possible resolution, and have not in any way tried to delay the proceedings.

Counsel for Sterling Equipment Inc. assents to this Motion. No counsel has appeared for East Atlantic Construction, Inc.

WHEREFORE, Plaintiff prays that this Court set aside the Order of Dismissal.

CENTENNIAL INSURANCE COMPANY  
By its attorneys,

/s/ Seth S. Holbrook  
Seth S. Holbrook, BBO # 237850  
HOLBROOK & MURPHY  
150 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110  
617-428-1151  
holbrook\_murphy@msn.com

Assented to:

/s/ Norman A. Peloquin II  
Norman A. Peloquin, II  
Attorney for Sterling Equipment, Inc.

Certificate of Service

I hereby certify that on February 4, 2005, I electronically filed the Plaintiff's Motion to Vacate Order of Dismissal (Assented to) with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Mr. Norman A. Peloquin, Morad Building, 460 County Street, New Bedford, MA 02740-5107 and I have served a copy by first class mail, postage prepaid, upon East Atlantic Construction, Inc., c/o Theodore R. Faxon, Jr., 1436 Bayview Avenue, South Seaside Park, NJ 08752.

/s/ Seth S. Holbrook  
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